



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/828,663

04/06/2001

Robert Aaron Susskind

5700

7590

07/28/2005

ROBERT A. SUSSKIND
13579 CEDAR RUN LANE
OAK HILL, VA 20171

EXAMINER

CHANG, SHIRLEY

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,663

Applicant(s)

SUSSKIND, ROBERT AARON

Examiner

Shirley Chang

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Franco (2002/0046407).

As to claim 1, Franco discloses:

at least one Video Recording Device connected to the Internet (Remotely

Programmable video recording device or system 120, Figure 1);

at least one Internet access device connected to the Internet (user computer 112, Figure 1);

at least one Internet Remote Control Server connected to the Internet (host system 102, Figure 1), whereby the Internet access device can control the Video Recording Device

Furthermore, "In one embodiment, the user computer 114 is also the remotely programmable video recording system 120. The user computer 114 is preferably connected to the host system 102 through a computer network 116, such as the Internet" [0063]. "FIG. 1 illustrates one embodiment 100 of the present invention. A host

Art Unit: 2614

system 102 hosts a web site 104 through which a user 110 programs a remotely programmable video recording system 120 to record broadcast video content. The host system 102 is preferably operated by an organization (not illustrated) that provides a recording system programming service. The host system 102 can alternatively be set up or owned by the user 110 and can be located in the user's home in conjunction with a remotely programmable video recording system 120 [0062].

As to 2, Franco discloses:

means for maintaining and keeping the state of a user account representing the settings of a discrete user of a discrete remotely located VRD ("[0064] The host system 102 provides (serves) web pages 106 of the web site 104 to the user 110 through the computer network 116, the user computer 114, and the web browser 112. The user 110 provides programming instructions 118 to the host system 102 through the web browser 112, the user computer 114, and the computer network 116. The programming instructions 118 preferably identify one or more programs or content units that the user 110 has chosen to record. A program or content unit can be identified in any number of ways, such as, for example, by a name, by an identifier (e.g, Video Plus code or other identifier associated with a particular content unit), or by a broadcast channel, date, time, and length (CDTL). CDTL data can be obtained from widely available electronic programming guides (EPG). The content unit can be identified generically, such as to identify a repeating program by the same title, or the content unit can be identified specifically, such as to identify a particular episode of a repeating program" [0064].

"Upon entering the identification information 202 and authentication information 204, the

Art Unit: 2614

user clicks on a Login button 206, which, upon a successful login, preferably brings the web browser 112 to a Clickable Programming Page 210, as illustrated in FIG. 2B. The Programming Page 210 preferably displays a program grid 212" [0069]. "The brand, model, and/or configuration of the user's video recording system 120. Alternatively, these preferences can be set when the user's account with the host system 102 is activated. The account may be activated either online, or possibly over the phone by a customer service representative" [0073]).

As to 3, Franco discloses:

the means exchanges changes in the states of the user account ("An Update Page button 216 preferably allows the user's selection(s) (programming instructions 118) on the Clickable Programming Page 210 to be updated on the host system 102. A Transmit button 218, performs the same function as the Update Page button 216 and, in addition, causes the host system 102 to transmit programming data 108 to the video recording system 120" [0069]. "In addition, the Program Schedule Page 220 preferably includes an Update Page button 230 that allows the user's entries in the various sections of the Program Schedule Page 220 as displayed by the web browser 112 to be updated on the host system 102. The Program Schedule Page 220 preferably also includes a Transmit button 232, which has a function similar to the Transmit button 218 on the Programming Page 212" [0074].)

As to 4, Franco discloses:

Art Unit: 2614

means for accumulating each user's requests for recording of specific programs (Programming Instructions 118, Figure 1, Host system 102, Figure 1. "The user 110 provides programming instructions 118 to the host system 102 through the web browser 112, the user computer 114, and the computer network 116. The programming instructions 118 preferably identify one or more programs or content units that the user 110 has chosen to record. A program or content unit can be identified in any number of ways, such as, for example, by a name, by an identifier (e.g, Video Plus code or other identifier associated with a particular content unit), or by a broadcast channel, date, time, and length (CDTL). CDTL data can be obtained from widely available electronic programming guides (EPG). The content unit can be identified generically, such as to identify a repeating program by the same title, or the content unit can be identified specifically, such as to identify a particular episode of a repeating program" [0064]. "The host system 102 creates programming data 108 based upon the programming instructions 118 supplied by the user 110. The programming data 108 includes information sufficient to program the video recording system 120 to record broadcast content in accordance with the programming instructions 118 supplied by the user 110. The host system 102 transmits the programming data 108 to the video recording system 120 over a communication link 130. Any communication link 130 capable of supporting communication from the host system 102 to the video recording system 120 can be used. The communication link 130 can be, for example, a telephone system, a computer network, an open-air broadcast television system, a cable television system, a

Art Unit: 2614

satellite television system, a pager system, or any combination thereof. Various embodiments of the communication link 130 are described in Section IV below" [0065]).

As to 5, Franco discloses:

the means communicates with other Servers to provide to other Servers statistical information regarding selected television programs ("In one embodiment, the host system 102 maintains statistics relating to the number of users that have scheduled each broadcast show for recording. These statistics can be used for various purposes, such as determining what content to broadcast and when to broadcast it" [0142]. "A broadcaster can use the collected statistics to determine the frequency at which to rebroadcast repeating content or serial programs. Suppose, for example, that a broadcaster broadcasts movies on a certain channel. A movie can be scheduled for rebroadcast at a rate (e.g., hours of movie per day) that is proportional to the rate (e.g. number of requests, per hour of movie, per day) at which users record the movie. Movies that are requested less frequently can be broadcast less frequently. By scheduling content with a rate that is proportional to the rate at which the content is recorded, the average number of users recording content from the channel can be maximized" [143]. "The statistical information obtained from the host system can also be used to determine when to schedule programs. Programs that are recorded more frequently can be broadcast before or during peak watching hours in order to reduce or minimize the amount of time an average user will have to wait to watch a program" [0144]).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571)272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600